IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY NINETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GHULAM MOHAMMED

WRIT PETITION NO : 22670 of 1994

Between:

D.Lachiram Naik S/o.Buchiyar Naik, Ex Samithi President,
Mahaboobabad Panchayat Samithi, R/o.H.No.4-3-94, Mahaboobabad, Warangal District.

..... PETITIONER

AND

1. The Government of Andhra Pradesh, Represented by its
Principal Secretary to Government Social Welfare (E) Department,
Secretariat Buildings, Hyderabad.
2. The Secretary to the Government Tribal Welfare,
Secretariat Buildings, Government of A.P., Hyderabad.
3. The Commissioner of Tribal Welfare,
Samkshema Bhavan Masab Tank, Hyderabad.
4. The A.P.Social Welfare Residential Educational Institutions Society,
Hyderabad, Rep. by its Secretary, Hyderabad.
5 The Collector Vizianagaram District.
6 The Collector Nellore District.
7 The Collector Chittoor District.
8 The Collector Karimnagar District.
9 The Collector Warangal District.
10.The Collector Adilabad District. **.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a direction or any order or a writ more particularly a writ in the nature of Mandamus declaring the proposed conversion of the S.T. Hostel buildings in of Vizianagaram, Nellore, Chittoor, Karimnagar, Warangal and Adilabad Districts into the new residential schools for S.Cs/Girls without adverting to the injustices and damages to be caused to the tribal students vide G.O.Ms.No.88 Social Welfare (K) department dt.1/7/1994 as expressed in the letter R.C No.D2/8744/92, dt.19/9/1994 addressed by the third respondent to the other respondents as arbitrary, illegal untenable violative of the Articles 14, 16 and 300-A of the Constitution of India and violative of the principles of natural justice and consequently to quash the same.

Counsel for the Petitioner: MR.P.PRATAP REDDY (Not present)

Counsel for the Respondents: GP FOR SOCIAL WELFARE

The Court made the following:

ORDER:

The Writ petition is filed to declare the proposed conversion of the S.T. hostel buildings in the Districts of Vizianagaram, Nellore, Chittoor, Karimnagar, Warangal and Adilabad Districts into the new residential schools for S.Cs/Girls without adverting to the injustices and damages to be caused to the tribal students vide G.O.Ms.No.88 Social Welfare (K) Department dated 01-07-1994 as expressed in the letter R.C.No.D2/8744/92 dated 19-09-1994 addressed by the third respondent to the other respondents as arbitrary, illegal untenable violative of the Articles 14, and 16 and 300-A of the Constitution of India and violate of the principles of natural justice and consequently to quash the same.

None appeared for the petitioner.

Learned Government Pleader for Social Welfare submitted that the respondents proposed to convert S.T. hostel buildings into residential schools, and no interim stay was granted by this Court at the time of admission and conversion has not been effected and the same is going on. It is further stated that by the impugned order, the respondents proposed to convert the hostel building into residential schools for S.Cs/Girls, and as the same being a policy decision cannot be interfered with in the absence of pointing out any prejudice that would be caused to the petitioner.

In the circumstances, in the absence of pointing out any substantial prejudice caused to the petitioner, and the decision being a policy matter, I am of the view that, no interference is warranted by this Court. The writ petition fails and it is accordingly dismissed. No costs.

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29th JULY 2004

Glv/KK

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

Copies to

1. The Principal Secretary to Government Social Welfare (E) Department,
The Government of Andhra Pradesh,
Secretariat Buildings, Hyderabad.
2. The Secretary to the Government Tribal Welfare,
Secretariat Buildings, Government of A.P., Hyderabad.
3. The Commissioner of Tribal Welfare,
Samkshema Bhavan Masab Tank, Hyderabad.
4. The Secretary,
The A.P.Social Welfare Residential Educational Institutions Society,
Hyderabad,
5 The Collector Vizianagaram District.
6 The Collector Nellore District.
7 The Collector Chittoor District.
8 The Collector Karimnagar District.
9 The Collector Warangal District.
10.The Collector Adilabad District.

11.Two CCs to the Government Pleader for Social Welfare, High Court Buildings, Hyderabad. (O.U.T)

12. Two C.D copies.